

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

FILED

JAN 11 2012

DAVID CREWS, CLERK
BY  DEPUTY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:11CR049

BRIAN ROBINSON

PLEA AGREEMENT

The United States Attorney hereby proposes to the Court a plea agreement to be filed in this cause under Rule 11(c) of the Federal Rules of Criminal Procedure. Defendant has read and fully understands this plea agreement and approves same, realizing that the plea agreement is subject to acceptance or rejection by the Court. The plea agreement is as follows:

1. **GUILTY PLEA:** The defendant agrees to plead guilty conditionally under oath to Counts One, Three and Five of the Indictment, which charge:

(a) **Count One:** persuading, inducing, enticing and coercing a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which visual depictions were intended to be transported in interstate commerce, were produced using materials that had been mailed, shipped, and transported in interstate commerce and were transported in interstate commerce, in violation of Title 18, United States Code, Section 2251(a), and which carries maximum possible penalties of not less than 15 years and not more than 30 years imprisonment, not more than \$250,000 fine, not less than 5 years of supervised release, and special assessment of \$100.

(b) **Count Three:** knowingly transporting and shipping and causing to be transported and shipped images of child pornography across state lines, using the internet, a means and facility in

interstate commerce, and in and affecting interstate commerce, in violation of Title 18, United States Code, Section 2252A(a)(1), and which carries maximum possible penalties of not less than 5 years and not more than 20 years imprisonment, not more than \$250,000 fine, not less than 5 and not more than life supervised release, and special assessment of \$100.

(c) Count Five: knowingly possessing computers and computer storage devices containing images of child pornography that had been shipped and transported in interstate commerce by means of computers and that had been produced using materials that had been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2256(8), which carries maximum possible penalties of not more than 10 years imprisonment, not more than \$250,000 fine, not less than 5 years and not more than life supervised release, and \$100 special assessment.

2. **OTHER CHARGES:** The United States agrees not to charge the defendant with any other offenses arising from or related to the above charges and to dismiss the remaining counts of the Indictment at the conclusion of sentencing on Counts One, Three and Five.

3. **OTHER AUTHORITIES:** This agreement does not bind any prosecuting authority of any state or any other federal district, nor does it bind the Attorney General of the United States with regard to any matter, criminal or civil, involving federal tax laws. Nor does this agreement bind the United States or any of its departments or agencies with regard to any civil or administrative actions or remedies.

4. **DEFENDANT'S PLEA IS CONDITIONAL:** The defendant is pleading guilty conditionally under the provisions of Rule 11(a)(2), Federal Rules of Criminal Procedure and reserves the right to appeal the denial of his motions to suppress in the case to the United States Court of Appeals for the Fifth Circuit. The parties agree that, should the defendant be successful in

that appeal, he will be allowed to withdraw his guilty plea and proceed to trial on the charges, should he elect to do so.

5. VIOLATIONS OF THIS AGREEMENT: If defendant violates this agreement, all statements made pursuant hereto will be admissible against defendant, who hereby waives the provisions of Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence. Defendant may also, in that event, be prosecuted for all federal offenses, including perjury and false statements relating to this plea agreement.

5. ACKNOWLEDGMENTS: No Other Agreements; Defendant Is in Fact Guilty. The defendant will be allowed to plead guilty conditionally and appeal the denial of his motions to suppress. Apart from being advised of the applicability of the U.S. Sentencing Guidelines, and other than as set forth elsewhere in the plea documents, no other promise or representation whatsoever has been made to defendant as to what punishment the Court might impose if it accepts the pleas of guilty. This agreement fully reflects all promises, agreements, and understandings between the defendant and the United States Attorney. The defendant's agreement is knowing, free, and voluntary, and not the product of force, threat, or coercion. The defendant is pleading guilty because defendant is in fact guilty.

This the 9th day of January,
2012.

Felicia C. Adams
FELICIA C. ADAMS
United States Attorney

AGREED AND CONSENTED TO:

Brian Robinson
BRIAN ROBINSON

APPROVED:

Leroy Percy
LEROY PERCY
Attorney for Defendant
Mississippi Bar No. 10454